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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

SUKHJINDER S. BASRA, )  
 )  
Plaintiff, )  
 )  
UNITED STATES OF AMERICA, )  
 )

No. 2:11-cv-01676 SVW (FMOx)

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
UNITED STATES' MOTION TO

1 Applicant for Intervention, )  
2 v. )  
3 )  
4 CATE, *et al.*; )  
5 Defendants. )

INTERVENE PURSUANT TO THE  
RELIGIOUS LAND USE AND  
INSTITUTIONALIZED PERSONS  
ACT, 42 U.S.C. § 2000cc  
(CIVIL RIGHTS)

Date: April 25, 2011

Time: 1:30 p.m.

Courtroom: 6

The Judge Stephen V. Wilson

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## I. INTRODUCTION

The United States of America is authorized by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc, to intervene or bring an action to enforce compliance with that statute, but seeks to intervene in the present action in the interests of judicial economy. 42 U.S.C. § 2000cc-2(f). Accordingly, the United States of America, by and through its undersigned counsel, submits this Memorandum of Points and Authorities in support of its Motion to Intervene in the matter of *Basra v. Cate, et al.*, No. 2:11-cv-01676 SVW (FMOx) (C.D. Cal., filed Feb. 25, 2011). Plaintiff Basra, a prison inmate under the control of Defendants, has asserted a claim under RLUIPA alleging that Defendants are violating his right to maintain his beard unshorn in accordance with the dictates of his Sikh faith. For the reasons that follow, the United States respectfully requests this Court to grant its Motion to Intervene, permit the United States to bring its own claim to enforce compliance with RLUIPA, and permit the United States to participate in any preliminary injunction hearing.

## II. FACTUAL BACKGROUND AND STATEMENT OF THE CASE

Plaintiff Sukhjinder S. Basra is a lifelong practitioner of the Sikh faith. Pursuant to his sincerely held religious beliefs, Mr. Basra maintains his hair and beard uncut and unshaved. A fundamental requirement of Sikhism is that its practitioners maintain their hair, including facial hair, unshorn. In the Sikh faith, trimming one's hair or beard is a grave violation. The practice of maintaining one's hair unshorn, or *Kesh*, signifies respect for the will of God. Compelling a Sikh to cut his hair or trim his beard forces him to violate a central tenet of his religion. U.S. Complaint, *Basra v. Cate*, No. 2:11-cv-01676 SVW (FMOx) (C.D. Cal.) ¶¶ 22-24 (hereinafter "U.S. Compl."). By requiring Mr. Basra to cut his beard, Defendants compel him to violate his religious beliefs in contravention of federal law.

1 Mr. Basra is currently in the custody of the California Department of  
 2 Corrections and Rehabilitation ("CDCR"), which initially placed him at the  
 3 Pleasant Valley State Prison ("PVSP"), where he lived in a locked, two-man cell.  
 4 After one year of discipline-free incarceration at PVSP, the CDCR transferred  
 5 Mr. Basra to the minimum security facility at the California Men's Colony  
 6 ("CMC") on or about February 26, 2010. *Id.* ¶ 21. He lives there in an unlocked,  
 7 90-person dormitory room. *Id.*

8 Mr. Basra suffered no disciplinary action for the entire time the CDCR  
 9 incarcerated him at PVSP, despite the fact that Mr. Basra practiced his religion by  
 10 maintaining an unshorn beard. *Id.* ¶ 30. Once in a lower-security setting at the  
 11 CMC, however, the CDCR began disciplining Mr. Basra for maintaining his beard  
 12 at longer than one-half inch in length. *Id.* ¶¶ 21, 33. Since that time, Defendants  
 13 have subjected Mr. Basra to progressively more severe disciplinary actions for  
 14 failing to comply with their grooming policy, in violation of Mr. Basra's rights. *Id.*  
 15 ¶ 33. Accordingly, on February 25, 2011, Mr. Basra filed this lawsuit. *See*  
 16 Complaint, *Basra v. Cate*, No. 2:11-cv-01676 SVW (FMO) (C.D. Cal. Feb. 25,  
 17 2011), ECF No. 1. On March 3, 2011, Mr. Basra filed a motion for a preliminary  
 18 injunction. Mot. for Prelim. Inj., *Basra v. Cate*, No. 2:11-cv-01676 SVW (FMO)  
 19 (C.D. Cal. Mar. 3, 2011), ECF No. 7.

20 The United States opened an investigation regarding these same allegations  
 21 on August 12, 2010. Pursuant to Fed. R. Civ. P. 24, the United States now moves  
 22 this Court for an order granting intervention to assert its own claim to enforce  
 23 compliance with RLUIPA.<sup>1</sup> RLUIPA gives the United States jurisdiction to

---

24 <sup>1</sup> Pursuant to Rule 24(c), the United States has attached its proposed Complaint in  
 25 Intervention, which sets out the claim for which intervention is sought, and names  
 26 the State, Governor, the CDCR, and the CMC as additional defendants. These  
 27 additional defendants are the appropriate defendants to a RLUIPA claim, as  
 28 RLUIPA provides that no "government" shall impose a substantial burden on an  
 inmate's religious practice. 42 U.S.C. § 2000cc-1(a). Pursuant to Rule 20(a)(2),

1 enforce that statute by instituting or intervening in an action to seek injunctive or  
2 declaratory relief. 42 U.S.C. § 2000cc-2(f). As RLUIPA charges the United States  
3 with the statute's enforcement, the United States seeks intervention to protect the  
4 public's interests in Mr. Basra's RLUIPA rights, the correct application of  
5 RLUIPA to the CDCR generally, and the uniform interpretation and application of  
6 RLUIPA nationally.

### 7 8 **III. APPLICABLE LEGAL STANDARDS**

#### 9 **A. RLUIPA**

10 RLUIPA provides that no state or locally-owned institution, including  
11 correctional facilities, "shall impose a substantial burden on the religious exercise  
12 of a [resident]." 42 U.S.C. § 2000cc-1(a). This prohibition includes a substantial  
13 burden on religious exercise resulting from a rule of general applicability. *Id.*  
14 "Religious exercise" is defined to include "any exercise of religion, whether or not  
15 compelled by, or central to, a system of religious belief." 42 U.S.C. § 2000cc-  
16 5(7)(A).

17 To overcome this prohibition on religious burdens, a government must  
18 demonstrate that the burden is: (1) "in furtherance of a compelling governmental  
19 interest;" and (2) "the least restrictive means of furthering that compelling  
20 governmental interest." 42 U.S.C. § 2000cc-1(a).

21  
22  
23  
24 joinder of these defendants is proper because the right to relief asserted against  
25 them arises out of the same transaction or occurrence, or series of transactions of  
26 occurrences, namely their imposition of a substantial burden on Mr. Basra by  
27 compelling him to cut his beard in violation of his religious beliefs and practices,  
28 and the RLUIPA claim presents a question of law or fact common to all  
defendants.



1 RLUIPA gives the United States jurisdiction to enforce § 2000cc-1 by  
2 instituting or intervening in an action for injunctive or declaratory relief. 42 U.S.C.  
3 § 2000cc-2(f).

4  
5 **B. Intervention Pursuant to Rule 24**

6 Rule 24 of the Federal Rules of Civil Procedure controls intervention,  
7 providing for “Intervention of Right” and “Permissive Intervention”:

8 **(a) Intervention of Right.** On timely motion, the court must permit  
9 anyone to intervene who: . . .

10 (2) claims an interest relating to the property or transaction that  
11 is the subject of the action, and is so situated that disposing of  
12 the action may as a practical matter impair or impede the  
13 movant’s ability to protect its interest, unless existing parties  
14 adequately represent that interest.

15 **(b) Permissive Intervention.** . . .

16 (2) **By a Government Officer or Agency.** On timely motion,  
17 the court may permit a federal . . . governmental officer or  
18 agency to intervene if a party’s claim or defense is based on:

19 (A) a statute or executive order administered by the  
20 officer or agency . . .

21 (3) **Delay or Prejudice.** In exercising its discretion, the court must  
22 consider whether the intervention will unduly delay or prejudice the  
23 adjudication of the original parties’ rights.

24  
25 Fed. R. Civ. P. 24.

#### IV. ARGUMENT

This Court should grant the United States' Motion to Intervene because the United States satisfies both the requirements to intervene as of right and for permissive intervention. First, this Court should permit the United States to intervene as of right because (1) the United States has timely filed its Motion to Intervene; (2) it has a significant, legally protectable interest in the proceedings; (3) that interest may be impaired by the disposition of the case; and (4) the existing parties will not adequately protect its interest in the proper and uniform enforcement of RLUIPA. In the alternative, this Court should grant the United States' Motion to Intervene under Federal Rule of Civil Procedure 24(b) because its motion is timely, it is a governmental agency charged with enforcing the statute on which Plaintiff's claim is based, and it will not unduly delay or prejudice the adjudication of the case.

##### **A. The United States Is Entitled to Intervention of Right**

When analyzing a motion to intervene as of right under Federal Rule of Civil Procedure 24(a)(2), the Ninth Circuit applies a four-part test:

(1) the motion must be timely; (2) the applicant must claim a "significantly protectable" interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and (4) the applicant's interest must be inadequately represented by the parties to the action.

*Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011); *United States v. Aerojet Gen. Corp.*, 606 F.3d 1142, 1147 (9th Cir. 2010). Courts construe Rule 24(a) "liberally in favor of potential intervenors." *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001); *see also Scotts Valley Band of Pomo Indians of Sugar Bowl Rancheria v. United States*, 921 F.2d

1 924, 926 (9th Cir. 1990). The United States' application for intervention as of  
2 right satisfies all four requirements.

3 **1. The United States' Motion for Intervention Is Timely**

4 To determine whether a motion for intervention is timely, the Ninth Circuit  
5 considers three factors: "(1) the stage of the proceeding at which the applicant  
6 seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and  
7 length of the delay." *Smith v. Marsh*, 194 F.3d 1045, 1050 (9th Cir. 1999).  
8 Whether an application is timely is left to the Court's discretion. *Dilks v. Aloha*  
9 *Airlines*, 642 F.2d 1155, 1156 (9th Cir. 1981). For intervention of right, "the  
10 timeliness requirement for intervention . . . should be treated more leniently than  
11 for permissive intervention because of the likelihood of more serious harm."  
12 *United States v. Oregon*, 745 F.2d 550, 552 (9th Cir. 1984).

13 Here, the United States' application is timely. The litigation is in the earliest  
14 stages: Plaintiffs filed their complaint just over two weeks ago, and a preliminary  
15 injunction motion just over one week ago. Defendants have yet to file a responsive  
16 pleading or motion, and discovery has not begun. *See Arakaki v. Cavetano*, 324  
17 F.3d 1078, 1084 (9th Cir. 2003) (motion to intervene timely when filed three  
18 weeks after plaintiffs' complaint); *Nw. Forest Res. Council v. Glickman*, 82 F.3d  
19 825, 837 (9th Cir. 1996) (motion to intervene timely when filed less than one week  
20 after plaintiff filed its claim, before defendant filed an answer, and before any  
21 proceedings had taken place); *cf. Smith*, 194 F.3d at 1050-51 (motion to intervene  
22 untimely when filed 15 months after complaint, and court had ruled on summary  
23 judgment motion, and set discovery deadlines and trial date); *League of United*  
24 *Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1303 (9th Cir. 1997) (motion to  
25 intervene untimely when filed 27 months after complaint, court had issued  
26 preliminary injunction, four other parties had successfully intervened, defendant  
27 had filed answer, and court issued order on motion for summary judgment).

1 Granting the instant motion at this early stage will not cause any significant  
2 delay in the proceedings nor require this Court to revisit any settled issues. It will  
3 thus not cause any prejudice to the parties. *Nw. Forest Res. Council*, 82 F.3d at  
4 837 (no prejudice when motion to intervene filed before district court had made  
5 any substantive rulings). Finally, the length of and reason for any delay supports  
6 the United States' intervention, as the United States has moved expeditiously to  
7 intervene within just over a week following Plaintiff's filing of the complaint. *See*  
8 *Arakaki*, 324 F.3d at 1084; *Utica Mut. Ins. Co. v. Hamilton Supply Co.*, No. C 06-  
9 07846 SI, 2007 WL 3256485, at \*3 (N.D. Cal. Nov. 5, 2007) (motion to intervene  
10 timely when filed two months after receiving actual notice of lawsuit).

## 11 **2. The United States Has a Protectable Interest**

12 The United States has a significantly protectable interest under Rule 24  
13 because it has a right to bring a claim to protect Mr. Basra's religious exercise  
14 pursuant to RLUIPA, and because it has an interest in the uniform application of  
15 RLUIPA nationally. After timeliness, intervention of right requires that the United  
16 States have a significantly protectable interest. "An applicant for intervention has  
17 a significantly protectable interest if the interest is protected by law and there is a  
18 relationship between the legally protected interest and the plaintiff's claims."  
19 *United States v. Alisal Water Corp.*, 370 F.3d 915, 919 (9th Cir. 2004). The  
20 United States satisfies this requirement because: (1) it has an interest in its own  
21 enforcement of Mr. Basra's RLUIPA rights, as well as the correct application of  
22 RLUIPA to the CDCR generally, and the uniform application of RLUIPA  
23 nationally; (2) these interests are protected by RLUIPA, the same statutory basis  
24 for the claim asserted by Mr. Basra; and (3) these interests relate to the same  
25 factual circumstances as Mr. Basra's RLUIPA claim.

26 Regarding an interest protected by law, RLUIPA grants the United States  
27 the authority to bring suit to enforce compliance with that statute. 42 U.S.C.  
28

1 2000cc-2(f). Accordingly, the United States has an enforcement interest in any  
2 violation of Mr. Basra's RLUIPA rights. Indeed, the United States has an open  
3 investigation into these same allegations. Additionally, this enforcement authority  
4 gives the United States an overarching interest in the correct application of  
5 RLUIPA to the CDCR generally, and in the uniform application of RLUIPA  
6 nationally.

7 The United States therefore has a significantly protectable interest in  
8 Mr. Basra's RLUIPA lawsuit because its interest is "protected by the statute under  
9 which the litigation is brought." *Arakaki*, 324 F.3d at 1085 (citing *Sierra Club v.*  
10 *E.P.A.*, 995 F.2d 1478, 1484 (9th Cir. 1993) ("We ordinarily do not require that a  
11 prospective intervenor show that the interest he asserts is one that is protected by  
12 the statute under which the litigation is brought. It is generally enough that the  
13 interest is protectable under some law, and that there is a relationship between the  
14 legally protected interest and the claims at issue.")). Even without this "interest  
15 protected by the statute under which the litigation is brought," the United States  
16 has a protectable interest in the terms and scope of any injunctive relief granted by  
17 this Court because of its enforcement authority under RLUIPA. *See United States*  
18 *v. City of Los Angeles*, 288 F.3d 391, 398 (9th Cir. 2002) (finding party had  
19 protectable interest in the parameters of an injunctive remedy).

20 Regarding the relationship between the United States' interest and  
21 Mr. Basra's claim, our interest obviously "relate[s] to the underlying subject matter  
22 of the litigation," *Alisal Water Corp.*, 370 F.3d at 920, because the United States  
23 bases its RLUIPA claim both on the facts asserted by Mr. Basra and its own  
24 investigation of those same factual circumstances.

25 As the United States' claim proceeds under the same statute and involves the  
26 same facts as Mr. Basra's RLUIPA claim, this Court should find that the United  
27 States satisfies the "protectable interest" requirement.

1           **3. This Case Will Impair the United States' Ability To Protect Its**  
2           **Interest**

3  
4           The next intervention of right requirement asks whether Mr. Basra's lawsuit  
5 may, as a practical matter, impair or impede the United States' ability to protect its  
6 interest. While the United States has an interest in Mr. Basra's particular RLUIPA  
7 claim, it has additional interests in the correct application of RLUIPA to the CDCR  
8 generally, and in the uniform application of RLUIPA nationally. An unfavorable  
9 ruling could preclude factual and legal arguments in any future RLUIPA cases  
10 against Defendants. Ninth Circuit law holds that the practical preclusive effect of a  
11 proceeding on future litigation satisfies the requirement that the lawsuit impair the  
12 ability of a prospective intervenor to protect its interest. *See United States v.*  
13 *Oregon*, 839 F.2d 635, 638 (9th Cir. 1988) (finding state mental health facility  
14 residents had right to intervene in United States' action challenging facility  
15 conditions, because factual and legal determinations regarding facility conditions  
16 would have persuasive stare decisis effect in subsequent litigation by residents);  
17 *Smith v. Pangilinan*, 651 F.2d 1320, 1324-25 (9th Cir. 1981) (finding Attorney  
18 General, charged with administering immigration, had protected interest in  
19 construction and application of immigration law, and that Attorney General had  
20 right to intervene because of a possible stare decisis impairment); *AB v. Rhinebeck*  
21 *Central School Dist.*, 224 F.R.D. 144, 157 (S.D.N.Y. 2004) (granting intervention  
22 of right to United States to protect its interest in preventing adverse judgment that  
23 could interfere with United States' ability to enforce Title IX). Thus, the United  
24 States satisfies the impairment of ability to protect its interest requirement.

25  
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**4. The Existing Parties Will Provide Inadequate Representation of the United States' Interest**

The existing parties to this lawsuit do not represent the United States' interests adequately, satisfying the final requirement for intervention as of right. The burden of establishing inadequacy of representation is "minimal." *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10, 92 S. Ct. 630, 30 L. Ed. 2d 686 (1972); *see also Arakaki*, 324 F.3d at 1086 (quoting *Trbovich*, 404 U.S. at 538 n.10). Moreover, an applicant need not demonstrate with certainty that the existing parties will inadequately represent its interests, only that such representation "may be" inadequate. *Arakaki*, 324 F.3d at 1086 (quoting *Trbovich*, 404 U.S. at 538 n.10) (internal quotation marks omitted); *City of Los Angeles*, 288 F.3d at 398. To determine whether the existing parties may provide inadequate representation, this Court should consider whether: (1) "the interests of a present party to the suit are such that it will undoubtedly make all of the intervenor's arguments;" (2) "the present party is capable of and willing to make such arguments;" and (3) "the intervenor would offer any necessary elements to the proceedings that other parties would neglect." *Nw. Forest Res. Council*, 82 F.3d at 838 (citations omitted). Given the United States' additional interests in the application of RLUIPA, the United States satisfies the inadequate representation element.

As stated above, the United States' interests go beyond Mr. Basra's individual interest in his religious exercise, to the correct application of RLUIPA to the CDCR generally and the uniform application of RLUIPA nationally. Thus, Mr. Basra may not make all of the United States' arguments for the application of RLUIPA because our interests are "not identical." *C.S. ex rel. Struble v. California Dep't of Educ.*, No. 08cv226, 2008 WL 962159, at \*\*4-5 (S.D. Cal. Apr. 8, 2008) (finding that party would not "undoubtedly make all of" intervenor's arguments, because their interests were "not identical"). Nor does the United

1 States have the “same ultimate objective,” because the United States is not merely  
2 interested in protecting Mr. Basra’s rights, but is also interested in ensuring that the  
3 correct standard is applied generally. *Wilson*, 131 F.3d at 1305 (finding  
4 presumption of adequate representation exists if the parties have the “same  
5 ultimate objective”).

6 The case law concerning private parties attempting to intervene in  
7 government lawsuits provides an additional basis for determining that Mr. Basra  
8 will not adequately represent the United States’ interests. There is a presumption  
9 that a government entity will adequately represent an intervenor when the  
10 government is acting pursuant to its lawful authority to represent the interests of a  
11 prospective intervenor. *City of Los Angeles*, 288 F.3d at 401-02. Nevertheless,  
12 Courts have found that intervention applicants that have “more narrow, parochial  
13 interests” than the government, and thus have interests unprotected by the  
14 government. *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489,  
15 1499 (9th Cir. 1995). In the instant case, the reverse is true. Mr. Basra’s “narrow,  
16 parochial” interest in his religious exercise will not adequately represent the United  
17 States’ more expansive interests in a potentially broader interpretation of RLUIPA  
18 and in more comprehensive injunctive relief against Defendants. Arguments for an  
19 expansive construction of a statute are not mere “differences in litigation strategy”  
20 but constitute a “point of view to the litigation not presented by either the  
21 plaintiff[] or the defendants.” *California ex rel. Lockyer v. United States*, 450 F.3d  
22 436, 444-45 (9th Cir. 2006) (finding that intervenors’ broad interpretation of  
23 statute was not protected by more limited interpretation asserted by government-  
24 party). Accordingly, Mr. Basra cannot and should not be expected to represent the  
25 public interest on behalf of the United States. Given the United States’ divergent  
26 interest in a uniform and possibly more expansive application and interpretation of  
27 RLUIPA, the United States satisfies the inadequate representation element.



\* \* \*

In sum, this Court should grant the United States' application for intervention of right because: (1) the application is timely and will not cause the parties undue prejudice; (2) the United States has a significantly protectable interest in its own RLUIPA claim, which directly relates to Mr. Basra's RLUIPA claim, as well as in the uniform application and interpretation of the RLUIPA statute; (3) this lawsuit threatens to impair these protectable interests; and (4) the present parties may not adequately represent the United States' interests because the interests of the United States are broader than those of Plaintiff.

**B. This Court Should Grant Permissive Intervention**

In the alternative, the Court should grant the United States permissive intervention under Rule 24(b). Rule 24(b) specifically addresses permissive intervention by the United States, stating that, upon a timely motion, a court may permit a United States agency to intervene if a party's claim or defense is based on a statute administered by the United States' agency. Fed. R. Civ. P. 24 (b)(2)(A).<sup>2</sup> If this condition is met, the question of whether a party will be allowed to intervene is within the sound discretion of the trial court. *See Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998). "In exercising its discretion the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). Because RLUIPA charges the United States with its enforcement, and Mr. Basra asserts a claim under RLUIPA,

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<sup>2</sup> Courts have required that non-government intervenors seeking permissive intervention establish an independent ground for jurisdiction. *See Nw. Forest Res. Council*, 82 F.3d at 839. To the extent this requirement applies to a government charged with administering a statute at issue in the litigation, RLUIPA's grant of authority to the United States to enforce the statute supplies the necessary independent jurisdiction.

1 this Court should consider whether the United States' intervention is timely, and  
2 whether intervention will cause undue delay or prejudice the parties' rights.

3       Regarding the timeliness requirement for permissive intervention, this Court  
4 should analyze "precisely the same three factors" as for intervention of right.  
5 *Wilson*, 131 F.3d at 1308 (adding that the analysis for permissive timeliness is  
6 more strict). Thus, as outlined in the intervention of right analysis above, the  
7 United States' application is timely. *See* Part IV.A.1, *supra*.

8       Nor will the United States' intervention "unduly delay or prejudice the  
9 adjudication of the original parties' rights." Fed. R. Civ. P. 24 (b)(3). As detailed  
10 above, the United States' RLUIPA claim will not cause the parties to relitigate  
11 previously decided issues and will not cause any significant delay in the  
12 proceedings. *See* Part IV.A.1, *supra*. The United States' RLUIPA claim is not "in  
13 direct opposition" to Mr. Basra; indeed, the claims share a "common factual  
14 proof." *Donnelly*, 159 F.3d at 412 (upholding denial of intervention based on lack  
15 of common factual proof). Thus, intervention would not prejudice the parties by  
16 creating a "whole new lawsuit." *See id.*

17       Finally, given that RLUIPA authorizes the United States to file its own  
18 separate action to enforce Mr. Basra's RLUIPA rights, permitting intervention will  
19 promote judicial economy. *Venegas v. Skaggs*, 867 F.2d 527, 531 (9th Cir. 1989)  
20 (finding "judicial economy is a relevant consideration in deciding a motion for  
21 permissive intervention").

22       In sum, this Court should grant the United States permissive intervention  
23 because: (1) Mr. Basra's RLUIPA claim involves a statute that charges the United  
24 States with its enforcement; (2) the United States' intervention is timely; and (3)  
25 intervention will not cause undue delay or prejudice, but rather promote judicial  
26 economy.

**V. CONCLUSION**

For the foregoing reasons, the United States respectfully requests that this Court grant its Motion to Intervene, permit the United States to bring its own claim to enforce compliance with RLUIPA, and permit the United States to participate in any preliminary injunction hearing.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that the foregoing Memorandum of Points and Authorities in Support of United States' Motion to Intervene was served on March 15, 2011, to the following individuals:

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